

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

SEAN TATE,

Plaintiff,

v.

Case No. 07-C-755

MATTHEW FRANK, et al.,

Defendants.

ORDER

Pro se plaintiff Sean Tate, an inmate at the Wisconsin Resource Center (WRC), was ordered to remit \$25.11 to this court as an initial partial filing fee. He has since filed a letter in which he asks the clerk to forward that order to institution's business office. Attached to the letter to the clerk is Tate's correspondence with the business office, in which he requests that the full fee be deducted from his release account rather than his prison account. From this I will infer that the plaintiff is seeking to access his release account for payment of the full filing fee.

The plaintiff is correct that, for payment of the *initial* partial filing fee, an inmate may access his release account when there are not sufficient funds in his general account. This makes sense because the funds in a prisoner's release account are used in the calculation of the initial partial filing. *See Spence v. McCaughtry*, 46 F.Supp.2d 861 (E.D.Wis.1999). But access to the release account is allowed only for the *initial* partial filing fee and only when funds in his general trust account are exhausted. It is not clear whether that is the case here. Accordingly, plaintiff is ordered

to pay the initial filing fee of \$25.11 within 21 days of the date of this order, and to satisfy this amount he may access his release account to the extent his regular account is insufficient.

SO ORDERED this 12th day of September, 2007.

s/ William C. Griesbach
William C. Griesbach
United States District Judge